

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE WATSON HERNDON,

Plaintiff,

v.

C. TRAYLOR, et al.,

Defendants.

Case No. 1:21-cv-470

HON. JANE M. BECKERING

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ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants filed a Motion for Summary Judgment (ECF No. 23). Plaintiff filed a Motion for Declaratory Judgment (ECF No. 37). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on November 14, 2022 (ECF No. 48), recommending that this Court grant Defendants' motion for summary judgment, deny Plaintiff's motion for a declaratory judgment, and dismiss Plaintiff's complaint with prejudice. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 48) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 23) is GRANTED.

IT IS FURTHER ORDERED that the Motion for Declaratory Judgment (ECF No. 37) is DENIED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: December 12, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge